

U.S. Appln. S.N. 09/763,355
AMENDMENT AFTER FINAL REJECTION

PATENT

REMARKS

This Amendment rewrites claim 1 and adds new claim 17. The chromium or titanium feature of claim 17 is taken from claim 1. Claims 1-3, 5 and 14-17 are pending.

Examiner Tran is thanked for indicating the allowability of claims 14 and 15, if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. It is believed the entire application is in condition for allowance for the reasons discussed below.

The 35 U.S.C. § 112, first paragraph, rejection of claims 1-3, 5 and 14-16 for new matter is traversed. Page 10, lines 12-28 of the specification as originally filed fully support the limitation "a catalyst which contains transition material such as chromium or titanium". Reconsideration and withdrawal of the "new matter" rejection are earnestly requested.

The 35 U.S.C. § 102(b) rejection of claims 1-3, 5 and 16 over U.S. Patent No. 5,382,638 to Bontemps et al. is respectfully traversed. The claimed method is a method for activating and/or calcining catalysts which contain transition materials as an active component, or catalyst supports which contain oxidic compounds as a support material. The activation and/or calcination step requires a temperature of at least approximately 600 °C. See

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Example 1 (600° C for calcination) and Example 2 (705°C for activation).

Bontemps et al. fails to disclose or suggest the claimed method for activating and/or calcining catalysts or catalyst supports. Instead, this reference discloses a process for polymerizing olefins at a temperature of from 30 to 115 °C (Col. 6, lines 64-68). Heat must be continuously removed from the polymerization reactor because the olefin polymerization reaction is exothermic. The polymer particles will melt if the temperature rises above approximately 125°C.

Bontemps et al. is completely silent as to how to activate or calcine an olefin polymerization catalyst. Column 1, lines 10-40 (cited by the Office) are directed to the polymerization of one or more olefins in a fluidized-bed reactor, and do not disclose or suggest the claimed method of activating a polymerization catalyst or calcining a support material.

Reconsideration and withdrawal of the anticipation rejection of claims 1-3, 5 and 16 over Bontemps et al. are earnestly requested.

A Petition for Withdrawal of Finality of Official Action was filed February 9, 2005. As of today, applicants have not received a Decision on Petition. It is respectfully submitted the finality

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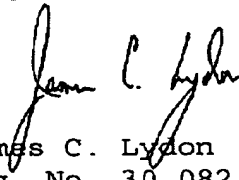
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of the Official Action be withdrawn for the reasons set forth in the Petition.

It is believed this application is in condition for allowance. Reconsideration and withdrawal of all rejections of claims 1-3, 5 and 16, and issuance of a Notice of Allowance directed to claims 1-3, 5 and 14-17, are earnestly requested. The Examiner is urged to telephone the undersigned should he believe any further action is required for allowance.

It is not believed any fee is required for entry and consideration of this Amendment. Nevertheless, the Commissioner is authorized to charge our Deposit Account No. 50-1258 in the amount of any such required fee.

Respectfully submitted,



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